IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (L) NO.3056 OF 2007
WITH
NOTICE OF MOTION NO. OF 2007

Gateway Terminals India Private Limited ... Plaintiffs
versus
Transport and Dock Workers' Union ... Defendants

Mr.J.P.Cama, Sr.Adv. a/w Ms.Nandini Menon, Mahesh Londhe i/by M/s.Sanjay Udeshi & Co. for plaintiffs.

Mr.Susheel Mahadeshwar i/by Mss.Ranjane Todankar for defendant no.1.

CORAM : A.M.KHANWILKAR, J.
DATE : 17th October 2007

PC :-

1. Office objections be removed forthwith.

2. Not on board. Taken on board, by consent. Heard counsel for the parties. It is not necessary for this Court to go into the merits of the controversy, which is the reason for the proposed peaceful demonstration by the defendant Union and its members. Indeed, the plaintiff may be justified in pointing out that the plaintiff has not received any communication from the defendants in that behalf but have learnt about the fact of proposed peaceful demonstration to be

held by the defendants on 18th October 2007 from the concerned Police Station yesterday, for which reason, the plaintiff has approached this Court only today.

3. The apprehension expressed by the plaintiffs about any untoward situation taking place in the building or within the precincts where the offices of the plaintiff company are situated in Mumbai, the counsel for the defendants submits that the apprehension is misplaced. Because, the defendants intend to hold peaceful demonstration outside the compound of the building wherever the offices of the plaintiff in Mumbai is located. Besides, the defendants have no intention to squat in front of the gate(s)/entrance(s) of the "building" so as to create any impediment for smooth ingress and egress therein. Moreover, the defendants, its members, its employees, its representatives and any person claiming through them or on their behalf assure to abide by the instructions given by the local Police and hold their peaceful demonstration on the spot as may be identified by the Police, outside the building complex. The above assurances given on behalf of the defendants are accepted.

4. Needless to observe that the restriction to be imposed by the local Police, will be a reasonable one so as to make the peaceful demonstration of the defendants meaningful. At the same time, the defendants through counsel further assure that even if the participants for and on behalf of the Union were to shout slogans during the peaceful demonstration, that will be non-derogatory slogans; and it will be purely a peaceful demonstration without creating any untoward situation outside the building complex. In view of the assurance given by the defendants through the counsel, which is accepted under this order, no further direction is required to be passed. This order would dispose of the prayer for ad-interim relief.

5. Counsel for the parties submit that in fact on the above arrangement arrived at between the parties, the motion itself can be disposed of. The defendants through counsel submit that if the defendants were to hold peaceful demonstration in future, would give prior notice to the plaintiff as also observe the same conduct which has been assured on their behalf and recorded in earlier part of this order. Even this assurance given on behalf of the defendants, as made by the advocate

for the defendants on instructions of Mr.B.K.Raman, Secretary of the defendant Union, is accepted.

6. In view of this statement, counsel for the plaintiff, on instructions, fairly submits that nothing would survive for consideration in the suit and for that matter the plaintiffs be permitted to withdraw the suit. Accordingly, the suit as well as all derivative proceedings in the suit are allowed to be withdrawn on the basis of the assurance given by the defendants, as recorded above, which has been accepted by the Court.

7. Indeed, in case of fresh accrual of cause of action, the plaintiff will be free to pursue their remedy as may be advised, which will have to be considered on its own merits. Refund as per Rules.

8. All concerned to act on an authenticated copy of this order issued by the Registry of this Court.

(A.M.KHANWILKAR, J.)